UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION

CIVIL ACTION NO.: 01:09 CV 40

| MATT D. ALLEN, |)) |
|----------------------------|--|
| Plaintiff, |)) |
| v. | PLAINTIFF'S MOTION FOR ENTRYOF DEFAULT JUDGMENT AS TO THE |
| WERNER ENTERPRISES, INC., | DEFENDANTS PETERS |
| RICHARD PETERS and SUZANNE |) |
| ARGETSINGER PETERS, |) |
| Defendants. |) |
| | |

NOW COMES the Plaintiff, pursuant to Rule 55(b) of the Federal Rules of Civil Procedure and, through counsel, moves for entry of judgment by default against both Defendant Richard Peters and Defendant Suzanne Argetsinger Peters. In support of this Motion, Plaintiff relies upon the record in this case and the affidavit submitted herewith.

Plaintiff further requests that a hearing be conducted to determine the amount of damages to which the Plaintiff is or may be entitled.

Respectfully submitted this the 2nd day of August, 2010.

s/ Derrick R. Bailey
N.C. State Bar Number 15477
Attorney for Plaintiff
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CERTIFICATE OF SERVICE

The undersigned certifies that on this date, the foregoing was electronically filed with the Clerk of Court of the United States District Court for the Western District Of North Carolina, Asheville Division, using the CM/ECF system which will automatically send notification of such filing to Mark C. Kurdys at mkurdys@roberts-stevens.com, counsel for the Defendant Werner Enterprises, Inc., who is a registered user, and service was also effected by depositing a copy of the same in a postpaid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service, addressed to the attorney for the Defendant Werner Enterprises, Inc. as follows:

Mark C. Kurdys, Roberts & Stevens, P.A., PO Box 7647, Asheville, NC 28802.

This the 2nd day of August, 2010.

s/ Derrick R. Bailey
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